

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/824,049

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-9, 11, 12, 14-20 and 21-26 are pending in the application. Applicant respectfully submits that the pending claims define patentable subject matter.

As a preliminary matter, Applicant thanks the Examiner for indicating claims 1-9, 11, 12, 14-19 and 21-26 are allowed.

Claim 20 is rejected under 35 U.S.C. § 102(b) as being anticipated by St-Pierre (USP 5,883,888). Claim 20 is rejected under 35 U.S.C. § 102(b) as being anticipated by Teder et al. (USP 5,828,659; hereafter “Teder”). Claim 20 is rejected under 35 U.S.C. § 102(b) as being anticipated by Muszynski (USP 5,722,074). Applicant respectfully traverses the prior art rejections.

By this Amendment, Applicant has amended claim 20 to recite “means for receiving an adjustment command information generated at the network based on an adjustment request information received from a mobile station, based on a difference between times of reception and transmission by said mobile station.”

Applicant respectfully submits that amended claim 20 would not have been anticipated by or rendered obvious in view of St-Pierre, Teder or Muszynski, for at least for the reason that, the adjustment disclosed in these references is based on a difference between different times of reception by a mobile station from different base stations (the subject of these references being macro-diversity, or soft handover). On the other hand, according to claim 20, the adjustment is based on a difference between times of reception and transmission by a mobile station.

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Accordingly, Applicant respectfully submits that claim 20 should be allowable because the cited reference does not teach or suggest all of the features of the claimed invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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